IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18866 of 2004

Between:

R.Babu Rajendra Prasad S/o Krishna Murthy
aged 35 years, Work Inspector in Chittoor District

SC Cooperative Society, Chittoor, R/o.Chittoor

..... PETITIONER

AND

1 The District Collector -cum-Chairman District, Poverty Initiatives

Projects, Chittoor District, Chittoor
2 The District Poverty Initiatives Project Chittoor
rep.by its Project Director,
3 The Society for Elimination of Rural Poverty Hyderabad,
rep.by its Chief Executive Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus declaring the Proceeding Roc.No.DPIP/F.III/2/2003, dt. 21/05/2004 issued by the 2nd respondent as arbitrary and illegal and consequently set aside the same and direct the 2nd respondent to reinstate the petitioner in service and continue him in DPIP or alternatively direct the 2nd Respondent to pay to the petitioner the difference of salary in the scale of pay attached to the post of Community Coordinator for the period from 1/09/2002 to 21/05/2004, sanction the pending bills submitted by him refund the Motor cycle loan recovered from his salary, and with all other consequential benefits, monetary and otherwise.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent s: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The petitioner contends that he was selected to the post of Community Coordinator by virtue of a Notification dated 08.06.2002 for a period of five years, and he joined the respondent Organisation on 01.09.2002, after getting relieving orders from the parent department on 31.07.2002. While working with the respondent Organisation on a consolidated pay of Rs.5,000/-, he was abruptly repatriated through the proceedings dated 21.05.2005 of the 2nd respondent.

2. The petitioner contends that the repatriation is only made to accommodate another candidate in his place, and subsequent to his repatriation, the parent department sent the L.P.C and Service Register on 27.07.2004, but the

2nd respondent did not pay the difference of salary to him, for the period of his work with the respondent Organisation. The petitioner further contends that he sent a representation to the 2nd respondent on 23.08.2004, requesting to pay the salary due to him, and to refund the amount, deducted towards motorcycle loan recovery from his salary. The petitioner further contends that since the 2nd respondent did not pass any orders, he approached this Court, through this writ petition, seeking to declare that the proceedings of the 2nd respondent dated 21.05.2004, repatriating him to the parent department, as illegal and arbitrary, and to direct the 2nd respondent to reinstate him, or alternatively, to pay the difference of salary in the scale of pay, attached to the post of Community Coordinator, for the period from 01.09.2002 to 21.05.2004

3. Since the petitioner made a representation to the

2nd respondent on 23.08.2004, it is appropriate to direct the

2nd respondent to pass appropriate orders on the said representation.

4. In the light of the above circumstances, the

2nd respondent is directed to pass appropriate orders, according to the existing rules, on the representation of the petitioner, regarding his claim for difference of the salary, payment of the amount, due under the pending bills, and refund of the amount, deducted from his salary towards motorcycle loan recovery, within 2 (two) months from the date of receipt of a copy of this order.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The District Collector-cum-Chairman,

District Poverty Initiatives Project,

Chittoor District, Chittoor

2. The Project Director,

The District Poverty Initiatives Project,

Chittoor,

3. The Chief Executive Officer,

The Society for Elimination of Rural Poverty,

Hyderabad

4. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies.